

FISCAL NOTE

SB 2354 - HB 2651

March 25, 2002

SUMMARY OF BILL: Includes promotion of prostitution and patronizing prostitution in the definition of nuisance. Specifies that vehicles used in the commission of a person's second or subsequent offense for patronizing prostitution or promoting prostitution, including violations in other states, are subject to seizure by law enforcement and forfeiture. Provides that the violation making the vehicle subject to seizure and forfeiture must occur in Tennessee and at least one of the previous violations must occur on or after July 1, 2002. The second offense must occur within five years of the first offense occurring after July 1, 2002. Specifies that all money from forfeitures resulting from a nuisance as defined in the bill after payment of court costs and the costs of the abatement of the nuisance shall be paid equally into the general fund of the state and the general fund of the seizing political subdivision.

ESTIMATED FISCAL IMPACT:

**Increase State Expenditures - \$273,770 Recurring
\$32,200 One-Time**

**Increase State Revenues - Less than \$100,000 1st year
Exceeds \$100,000 2nd and subsequent years**

Increase Local Govt. Expenditures* - Less than \$100,000

**Increase Local Govt. Revenues - Less than \$100,000 1st year
Exceeds \$100,000 2nd and subsequent years**

Estimate assumes:

- there are approximately 1,200 convictions for promoting prostitution and patronizing prostitution annually statewide.
- at least one-fourth of these convictions are for a second or subsequent offense with vehicles eligible for seizure.
- 2 attorneys and 2 support staff positions in the Department of Safety with salary and benefits of \$145,600. The Department of Safety is the prosecutor for all such vehicle forfeitures.
- one-time costs for equipment and furniture for these additional positions of \$23,200 and recurring costs for administrative expenses of \$27,200.
- one additional administrative law judge to hear the forfeiture proceedings with salary and benefits of \$92,970.

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- one-time costs for equipment and furniture for the administrative law judge of \$9,000 and recurring costs for administrative expenses including travel, rent and supplies of \$8,000.
- an increase in local government expenditures for the cost to local law enforcement related to the seizure and sale of forfeited vehicles of less than \$100,000.
- an increase in local government revenues from the sale of forfeited vehicles estimated to be less than \$100,000 in the first year and to exceed \$100,000 in the second and subsequent years.
- an increase in state revenues from the portion of proceeds from the sale of forfeited vehicles that goes to the general fund after the expenses of the local government are covered. This increase is estimated to be less than \$100,000 in the first year and to exceed \$100,000 in the second and subsequent years.
- as offenses committed prior to July 1, 2002 are not counted as prior offenses under the provisions of the bill it is estimated that the full impact on state and local revenues will not be realized until the second and subsequent years.

**Article II, Section 24 of the Tennessee Constitution provides that: no law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director